

Senate File 2179

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SENATE FILE 2179

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1 3 AN ACT
1 4 RELATING TO ETHICS LAWS AND THE IOWA ETHICS AND CAMPAIGN
1 5 DISCLOSURE BOARD.
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 9 Section 1. Section 13.2, Code 2003, is amended by adding
1 10 the following new unnumbered paragraph after subsection 14:
1 11 NEW UNNUMBERED PARAGRAPH. Executing the duties of this
1 12 section shall not be deemed a violation of section 68B.6.
1 13 Sec. 2. Section 13B.4, Code Supplement 2003, is amended by
1 14 adding the following new subsection:
1 15 NEW SUBSECTION. 9. Executing the duties of this section
1 16 shall not be deemed a violation of section 68B.6.
1 17 Sec. 3. Section 22.7, subsection 29, Code Supplement 2003,
1 18 is amended to read as follows:
1 19 29. Records and information obtained or held by
1 20 independent special counsel during the course of an
1 21 investigation conducted pursuant to section ~~68B.34~~ 68B.31A.
1 22 Information that is disclosed to a legislative ethics
1 23 committee subsequent to a determination of probable cause by
1 24 independent special counsel and made pursuant to section
1 25 68B.31 is not a confidential record unless otherwise provided
1 26 by law.
1 27 Sec. 4. Section 68B.2, subsection 23, Code Supplement
1 28 2003, is amended to read as follows:
1 29 23. "Regulatory agency" means the department of
1 30 agriculture and land stewardship, department of workforce
1 31 development, department of commerce, Iowa department of public
1 32 health, department of public safety, department of education,
1 33 state board of regents, department of human services,
1 34 department of revenue, department of inspections and appeals,
1 35 department of administrative services, public employment
2 1 relations board, state department of transportation, civil
2 2 rights commission, department of public defense, Iowa ethics
2 3 and campaign disclosure board, and department of natural
2 4 resources.
2 5 Sec. 5. Section 68B.4, unnumbered paragraph 2, Code
2 6 Supplement 2003, is amended to read as follows:
2 7 The ~~department of administrative services board~~ shall adopt
2 8 rules specifying the method by which employees may obtain
2 9 agency consent under this section. Each regulatory agency
2 10 shall adopt rules specifying the method by which officials may
2 11 obtain agency consent under this section. A regulatory agency
2 12 granting consent under this section shall file a copy of the
2 13 consent with the board within twenty days of the consent being
2 14 granted.
2 15 Sec. 6. Section 68B.4B, unnumbered paragraph 1, Code 2003,
2 16 is amended to read as follows:
2 17 A permanent full-time member of the office of the governor
2 18 shall not sell, either directly or indirectly, any goods or
2 19 services to individuals, associations, or corporations which
2 20 employ persons who are registered lobbyists before the general
2 21 assembly or the executive branch, except when the member of
2 22 the office of the governor has met all of the following
2 23 conditions:
2 24 Sec. 7. Section 68B.4B, subsection 1, Code 2003, is
2 25 amended to read as follows:
2 26 1. The consent of the person or persons responsible for
2 27 hiring or approving the hiring of the member of the office of
2 28 the governor is obtained. A copy of the consent shall be
2 29 filed with the board within twenty days of the consent being
2 30 granted.
2 31 Sec. 8. Section 68B.6, subsection 1, Code 2003, is amended
2 32 to read as follows:
2 33 1. ~~All statewide elected officials, the executive or~~
2 34 ~~administrative head or heads of an agency of state government,~~
2 35 ~~the deputy executive or administrative head or heads of an~~
3 1 ~~agency of state government, the heads of the major subunits of~~
3 2 ~~departments or independent state agencies whose positions~~
3 3 ~~involve a substantial exercise of administrative discretion or~~
3 4 ~~the expenditure of public funds as defined under rules of the~~
3 5 ~~board, in consultation with the department or agency, under~~

3 6 chapter 17A, state employees, or Officials, except for members
3 7 of boards or commissions as defined under section 7E.4, state
3 8 employees, and legislative employees shall not receive,
3 9 directly or indirectly, or enter into any express or implied
3 10 agreement for, any compensation, in whatever form, for the
3 11 appearance or rendition of services by that person or another
3 12 against the interest of the state in relation to any case,
3 13 proceeding, application, or other matter before any state
3 14 agency, any court of the state of Iowa, any federal court, or
3 15 any federal bureau, agency, commission or department.

3 16 Sec. 9. NEW SECTION. 68B.31A INVESTIGATION BY
3 17 INDEPENDENT SPECIAL COUNSEL == PROBABLE CAUSE.

3 18 The purpose of an investigation by the independent special
3 19 counsel is to determine whether there is probable cause to
3 20 proceed with an adjudicatory hearing on the matter. In
3 21 conducting investigations and holding hearings, the
3 22 independent special counsel may require by subpoena the
3 23 attendance and testimony of witnesses and may subpoena books,
3 24 papers, records, and any other real evidence relating to the
3 25 matter before the independent special counsel. The
3 26 independent special counsel shall have the additional
3 27 authority provided in section 17A.13. If the independent
3 28 special counsel determines at any stage in the proceedings
3 29 that take place prior to hearing that the complaint is without
3 30 merit, the independent special counsel shall report that
3 31 determination to the appropriate ethics committee and the
3 32 complaint shall be dismissed and the complainant and the party
3 33 charged shall be notified. If, after investigation, the
3 34 independent special counsel determines evidence exists which,
3 35 if proven, would support a finding of a violation of this
4 1 chapter, a finding of probable cause shall be made and
4 2 reported to the ethics committee, and a hearing shall be
4 3 ordered by the ethics committee as provided in section 68B.31.
4 4 Independent special counsel investigations are not meetings of
4 5 a governmental body within the meaning of chapter 21, and
4 6 records and information obtained by independent special
4 7 counsel during investigations are confidential until disclosed
4 8 to a legislative ethics committee under section 68B.31.

4 9 Sec. 10. Section 68B.32A, subsection 11, Code Supplement
4 10 2003, is amended to read as follows:

4 11 11. Establish a procedure for requesting and issuing
4 12 ~~formal and informal~~ board advisory opinions to ~~local officials~~
4 13 ~~and employees and to persons subject to the authority of the~~
4 14 ~~board under this chapter or chapter 68A.~~ Local officials and
4 15 local employees may also seek an advisory opinion concerning
4 16 the application of the applicable provisions of this chapter.
4 17 Advice contained in ~~formal~~ board advisory opinions shall, if
4 18 followed, constitute a defense to a complaint filed with the
4 19 board alleging a violation of this chapter, chapter 68A, or
4 20 rules of the board that is based on the same facts and
4 21 circumstances.

4 22 Sec. 11. Section 68B.35, subsection 2, paragraph e, Code
4 23 Supplement 2003, is amended to read as follows:

4 24 e. Members of the banking board, the ethics and campaign
4 25 disclosure board, the credit union review board, the economic
4 26 development board, the employment appeal board, the
4 27 environmental protection commission, the health facilities
4 28 council, the Iowa finance authority, the Iowa public
4 29 employees' retirement system investment board, the board of
4 30 the Iowa lottery authority, the natural resource commission,
4 31 the board of parole, the petroleum underground storage tank
4 32 fund board, the public employment relations board, the state
4 33 racing and gaming commission, the state board of regents, the
4 34 tax review board, the transportation commission, the office of
4 35 consumer advocate, the utilities board, the Iowa
5 1 telecommunications and technology commission, and any full=
5 2 time members of other boards and commissions as defined under
5 3 section 7E.4 who receive an annual salary for their service on
5 4 the board or commission. The Iowa ethics and campaign
5 5 disclosure board shall conduct an annual review to determine
5 6 if members of any other board, commission, or authority should
5 7 file a statement and shall require the filing of a statement
5 8 pursuant to rules adopted pursuant to chapter 17A.

5 9 Sec. 12. Section 68B.35A, Code 2003, is amended to read as
5 10 follows:

5 11 68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS OF STATE
5 12 OFFICIALS AND EMPLOYEES == PUBLIC INTERNET ACCESS.

5 13 Personal financial disclosure statements filed with ~~the~~
5 14 ~~board and the chief clerk of the house, or the secretary of~~
5 15 ~~the senate, or other appropriate person or body shall be~~
5 16 recorded on the legislative internet website or copies of the

~~5 17 personal financial disclosure statements shall be forwarded to~~
~~5 18 the secretary of state for the recording of the information~~
~~5 19 through electronic means on an internet website. The board~~
~~5 20 and the general assembly shall execute agreements with the~~
~~5 21 secretary of state which provide for public access to and~~
~~5 22 copying of the information, and include a site in the board~~
~~5 23 offices for public viewing and copying of information,~~
~~5 24 contained in personal financial disclosure statements filed~~
~~5 25 with the board and the chief clerk of the house, secretary of~~
~~5 26 the senate, or other appropriate person or body. The board~~
~~5 27 shall record personal financial disclosure statements filed~~
~~5 28 with the board on an internet website.~~

5 29 Sec. 13. Section 68B.38, Code Supplement 2003, is amended
5 30 to read as follows:

5 31 68B.38 LOBBYIST'S CLIENT REPORTING.

5 32 1. ~~a.~~ On or before July ~~±~~ 31 of each year, a lobbyist's
5 33 client shall file with the general assembly or board a report
5 34 that contains information on all salaries, fees, ~~and~~
5 35 retainers, ~~and reimbursement of expenses paid or anticipated~~
6 1 ~~to be paid~~ by the lobbyist's client to the lobbyist for
6 2 lobbying purposes during the preceding twelve calendar months,
6 3 ~~concluding on June 30 of each year.~~

6 4 ~~b. 2.~~ Reports by a lobbyist's clients shall be filed with
6 5 the same entity with which the lobbyist filed the lobbyist's
6 6 registration.

6 7 ~~2. a.~~ ~~The report shall include a cumulative total of all~~
6 8 ~~salaries, fees, retainers, and reimbursements of expenses paid~~
6 9 ~~to the lobbyist for lobbying activities during the preceding~~
6 10 ~~calendar year.~~

6 11 ~~b. 3.~~ The secretary of the senate, chief clerk of the
6 12 house, and the board shall develop forms to implement this
6 13 section.

6 14 Sec. 14. Section 68B.34, Code 2003, is repealed.

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JEFFREY M. LAMBERTI
6 19 President of the Senate

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CHRISTOPHER C. RANTS
6 24 Speaker of the House

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6 26 I hereby certify that this bill originated in the Senate and
6 27 is known as Senate File 2179, Eightieth General Assembly.

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MICHAEL E. MARSHALL
6 32 Secretary of the Senate

6 33 Approved _____, 2004

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THOMAS J. VILSACK

7 3 Governor